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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,149	09/07/2000	Chris Hemmings	P65929US0	9961

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EXAMINER

VU, THANH T

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/657,149	HEMMINGS, CHRIS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thanh T. Vu	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specially a software program. Software programs claimed as a set of instructions to be executed by a processor per se, i.e., the descriptions or expressions of the programs, are not physical “things,” nor are they statutory processes, as they are not “acts” being performed. Such claimed software programs do not define any structural and functional interrelationships between the software program and other claimed aspects of the invention which permit the computer program’s function to be realized. In contrast, a claimed computer readable medium encoded with a computer program defines structural and functional interrelationships between the software program and the medium which permit the computer program’s functionality to be realized, and is thus statutory. See MPEP §2106 Section IV.B.1(a).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

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(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-5 and 7-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Henckel et al. ("Henckel", U.S. Pat. No. 5,463,725).

Per claim 1, Henckel teaches An electronic publication comprising: an executable application (fig. 1); a publication document having a plurality of pages (fig. 1; col. 2, lines 25-32); and wherein the application and publication form a unitary file in assembly code to address a compatible hardware processor directly and containing a plurality of commands to address sub-routines in a compatible operating system to provide the graphical output on a screen (figs. 1, and 5-6; col. 2, lines 19-24; col. 4, lines 65-67; col. 5, lines 1-5).

Per claim 2, Henckel teaches an electronic publication as claimed in claim 1 wherein said hardware processor comprises a microprocessor in a computer or Internet device (figs 1 and 5; col. 2, lines 25-32; col. 4, lines 65-67; col. 5, lines 1-5).

Per claim 3, Henckel teaches an electronic publication as claimed in claim 1 wherein said operating system comprises sole operating systems for said hardware processor (col. 2, lines 19-24; col. 4, lines 65-67; col. 5, lines 1-5).

Per claim 4, Henckel teaches an electronic publication as claimed in claim 2 wherein said processor comprises a PC compatible microprocessor (col. 2, lines 19-24; col. 4, lines 65-67; col. 5, lines 1-5).

Per claim 5, Henckel teaches an electronic publication as claimed in claim 4 wherein said PC compatible microprocessor comprises an INTEL microprocessor or substantially similar or equivalent processor (col. 2, lines 19-24; col. 4, lines 65-67; col. 5, lines 1-5).

Per claim 7, Henckel teaches an electronic publication as claimed in claim 1 wherein said processor and operating system comprise a compatible pairing (fig. 5; (col. 2, lines 19-24; col. 4, lines 65-67; col. 5, lines 1-5).

Per claim 8, Henckel teaches a user interface including a page-turn for a multiple page document comprising: a screen display of a first page of image or text (fig. 1; col. 2, lines 25-32); detecting a request from a user for a subsequent page of image or text (fig. 2; col. 2, lines 51-54); a page-turn comprising an animated sequence of frames displayed throughout the transition between said first and subsequent pages of image or text (col. 3, lines 13-19); and wherein said animation reveals less of the subsequent page beneath the first page at the commencement of the animation with respect to time than when the first page approaches a position representing the page orthogonal to the axis of rotation of the first page (col. 2, lines 54-66; col. 3, lines 1-12; col. 3; lines 19-26).

Per claim 9, Henckel teaches a user interface including a page-turn for a multiple page document as claimed in claim 8 wherein the position of the first page in a frame of said animation is calculated with respect to lapsed time during a predetermined total time for completion of the page-turn (col. 3, lines 13-26; col. 3, lines 29-36).

Per claim 10, Henckel teaches a user interface including a page-turn for a multiple page document as claimed in claim 9 wherein said predetermined time for completion of the page-turn is selectable by a user (col. 3, lines 13-26).

Per claim 11, Henckel teaches a user interface including a page-turn for a multiple page document as claimed in claim 8 wherein an edge of said turning page distal from said centre of

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rotation increasingly stretches along an axis parallel to said axis of rotation as said page approaches the axis of rotation (fig. 2; col. 2, lines 54-66; col. 3, lines 1-17).

Per claim 12, Henckel teaches a user interface including a page-turn for a multiple page document as claimed in claim 8 wherein said first page is represented as a convex surface when travelling between a starting position and the position in line with the centre of rotation of the first page (fig. 2; col. 2, lines 54-66; col. 3, lines 1-17).

Per claim 13, Henckel teach a computer software program to provide the electronic publication as claimed in claim 1 (col. 2, lines 19-32).

Per claim 14, Henckel teaches a computer software program to provide the electronic publication as claimed in claim 8 (col. 2, lines 19-32).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henckel et al. ("Henckel", U.S. Pat. No. 5,463,725) in view of Ho (U.S. Pat. No. 6,064,384). Henckel teaches an electronic publication as claimed in claim 1, but does not specifically teach said operating system comprises a Microsoft Windows operating system. However, Ho teaches an electronic publication having a Microsoft Windows operating system (col. 21, lines 6-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use

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Microsoft Windows operating system as taught by Ho in the invention of Henckel as another alternative usage of the operating system.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Iggulden et al. (U.S. Pat. No. 5,957,697) teach printed book augmented with an electronic virtual book and associated electronic data.

Ho (U.S. Pat. No. 6,407,757) teaches a computer-based browsing method and computer program product for displaying information in an electronic book form.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (703)-308-9119. The examiner can normally be reached on M-F 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-746-7239 for regular communications and (703)-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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T. Vu

February 24, 2003

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